

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LUTHER L. MAYBERRY and CHERYL
W. MAYBERRY,

Plaintiffs,

VS.

CIVIL ACTION NO. H-10-4833

BAC HOME LOANS SERVICING, LP,

Defendant.

ORDER GRANTING MOTION TO QUASH SUMMONS

BAC Home Loans Servicing, LP's Motion to Quash Summons is granted. (Docket Entry No. 3). The plaintiffs mailed the citation and service to an address not authorized to accept service of process for BAC, such as BAC's registered agent. The plaintiffs have until **March 11, 2011**, to file proof of service on BAC Home Loans Servicing, LP. Otherwise, the court will dismiss this action, without prejudice, for want of prosecution under Federal Rule of Civil Procedure 4(m).

An initial pretrial conference is set for **April 29, 2011, at 8:45 a.m.** in Courtroom 11B.

SIGNED on February 7, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge